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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG, PA
JUN 14 2001
MARY E. D'ANDREA, CLERK
Deputy Clerk

PAUL LEE, :
Plaintiff :
v. : Civil No. 1:CV-00-00486
UNITED STATES OF AMERICA, et al., : (Kane, J.)
Defendants :

DEFENDANTS' MOTION FOR A TEN-DAY EXTENSION OF TIME

Defendants, the United States of America, the Federal Bureau of Prisons ("BOP"), and the Director of the BOP, by their counsel, hereby request a ten-day extension of time to file their reply brief in support of their motion to dismiss and for summary judgment and state the following in support thereof:

1. This is a FTCA tort claim and a mandamus claim by Lee concerning medical care regarding his left hip and the allegedly inadequate bedding/mattress provided by the BOP.

2. On January 29, 2001, defendants filed a motion to dismiss and for summary judgment. The defendants' supporting brief and materials were filed on February 12, 2001.

3. After various extensions of time, Lee filed his brief in opposition to the defendants' dispositive motion, captioned "Plaintiff Paul Lee's Memorandum and Evidence in Opposition to the Motion to Dismiss or for Summary Judgment," on or around April 10, 2001.

4. In that Lee's opposition brief was signed with the following mark, "/s/", defendants moved to strike Lee's opposition brief due to Lee's failure to sign the brief as required by Fed. R. Civ. P. 11.

5. In response to the motion to strike, Lee filed a brief stating that he had only signed the brief he had filed with the Court. Rather than sending the undersigned an exact copy of the brief he filed with the Court, however, Lee sent the undersigned a copy of the brief signed with just the mark of "/s/".

6. Lee further claimed that he uses Chrissy's News "to conduct research, typing, service, and mailing" for him.

7. Due to Lee's failure to file an exact copy of the brief he filed with the Court, which counsel had assumed he had, defendants moved to strike Lee's reply brief. In that the original brief was signed by Lee, however, it appears that the motion to strike should be denied.

8. Having discovered that Lee's brief is proper, defendants desire to file a reply to Lee's opposition brief.

9. It is believed that the filing of a reply brief will assist the Court in addressing the merits of defendants' pending motion to dismiss and for summary judgment. Further, plaintiff will suffer no prejudice by granting this extension, particularly in that he himself has obtained a number of extensions to file his opposition brief.

10. In that plaintiff is a prisoner proceeding pro se, defendants have not sought his concurrence in this motion pursuant to Local Rule 7.1.

Wherefore, defendants request that the Court grant them an extension of time of ten days from the date the Court approves this request to file their reply brief in support of their motion to dismiss and for summary judgment.

Respectfully submitted,

MARTIN C. CARLSON
United States Attorney



KATE L. MERSHIMER
Assistant U.S. Attorney
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717/221-4482

Date: June 14, 2001

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PAUL LEE,	:	
Plaintiff	:	
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	:	(Kane, J.)
UNITED STATES OF AMERICA, et al.,	:	
Defendants	:	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

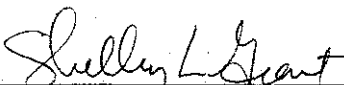
That on this 14th day of June, 2000, she served a copy of the attached

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by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the places and addresses stated below, which is the last known addresses, and by depositing said envelope and contents in the United States Mail in Harrisburg, Pennsylvania.

Addressee:

Paul Lee
Reg. No. 01656-087
FCI Elkton
P.O. Box 89
8730 Scroggs Road
Elkton, Ohio 44415



SHELLEY L. GRANT
Paralegal Specialist